

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TAKINA JENKINS-NAUDAIN,

Plaintiff(s),

v.

ABM INDUSTRIES INCORPORATED, et
al.,

Defendant(s).

Case No. 2:22-cv-01826-CDS-NJK

Order

[Docket No. 17]

Pending before the Court is Defendants' motion to stay discovery pending resolution of their motion to compel arbitration. Docket No. 17 at 13-16. The motion to stay discovery was advanced within motion practice seeking to compel arbitration and to dismiss or stay these proceedings pending completion of arbitration. *See id.* Plaintiff responded to the motion practice in general, but does not appear to address whether discovery should be stayed pending resolution of the motion to compel arbitration. *See* Docket No. 20. Defendants' reply similarly appears to skip over argument pertinent to whether discovery should be stayed pending resolution of the motion to compel arbitration. *See* Docket No. 24.

To ensure a clear record and a proper presentation of argument on this issue, the Court **DENIES** without prejudice the motion to stay discovery pending resolution of the motion to compel arbitration.¹ Any renewed motion to stay discovery must be complete in of itself and the

¹ The Court herein will not opine on the other aspects of the motion practice pending before the district judge. With respect to the motion to stay discovery pending resolution of the motion to compel arbitration specifically, however, the Court notes that this request is a motion for protective order brought pursuant to Rule 26(c) of the Federal Rules of Civil Procedure. *See, e.g., Turner Broad. Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 555-56 (D. Nev. 1997) (quoting *Twin City Fire Ins. Co. v. Employers Ins. of Wausau*, 124 F.R.D. 652, 653 (D. Nev. 1989)). A meet-and-confer is required for a motion for protective order. Fed. R. Civ. P. 26(c)(1). Any renewed motion to stay discovery pending resolution of the motion to compel arbitration must include a proper certification of a prefiling conference. Local Rule 26-6(c).

1 subsequent briefing must specifically address whether discovery should be stayed pending
2 resolution of the motion to compel arbitration.

3 IT IS SO ORDERED.

4 Dated: February 2, 2023

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Nancy J. Koppe
United States Magistrate Judge
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